

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ELINORE DAVIS,

Plaintiff,

v.

GOODWILL INDUSTRIES, INC.,

Defendant.

CASE NO. _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Goodwill Industries, Inc., pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this case from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. As grounds for removal, and for no other purpose, Defendant states as follows:

1. On October 12, 2023, Plaintiff Elinore Davis filed her Complaint and Demand for Jury Trial in the District Court of Douglas County, Nebraska against Defendant, in an action captioned as *Elinore Davis v. Goodwill Industries, Inc.*, Case No. CI 23-8203 (“District Court Action”). A true and correct copy of the Complaint filed in the District Court Action is attached hereto as **Exhibit A**.

2. On October 16, 2023, Defendant was served with the Summons and a copy of the Complaint via certified mail.

3. The deadline for Defendant to answer or otherwise respond to Plaintiff’s Complaint is November 15, 2023.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as it is being filed within thirty days after Defendant was served with a copy of Plaintiff’s Complaint, and the time

within which Defendant is required to answer or otherwise respond to Plaintiff's Complaint has not expired.

5. This Court has original jurisdiction over this matter because Plaintiff's claims present federal questions. Specifically, in her Complaint, Plaintiff alleges, among other things, violations under the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. ("Title VII"). The statutes included in Title VII are laws of the United States, and this Court has original jurisdiction over Plaintiff's Title VII claims pursuant to 28 U.S.C. § 1331.

6. Pursuant to 28 U.S.C. § 1441, removal of this action is proper, without regard to the citizenship or residence of the parties, because the Court has original jurisdiction over Plaintiff's claims, which arise under Title VII.

7. This Court also has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as the state law claims are so related to claims Plaintiff's federal law claims they form part of the same case or controversy.

8. This Court is the District Court of the United States for the judicial district embracing the place where the state court action is pending.

9. In addition to the filing of the Complaint, the following activity has taken place in the District Court Action: the issuance of a Summons and the filing of a Return of Service related to service of Summons and the Complaint upon Defendant. Copies of these documents are attached hereto as **Exhibit B**.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be given to all parties, and a copy of this Notice of Removal will be filed with the Clerk of the District Court of Douglas County, Nebraska. A copy of the Notice of Filing Notice of Removal to be filed

in the District Court of Douglas County, Nebraska, without attachments noted therein, is attached hereto as **Exhibit C**.

11. Pursuant to NECivR 40.1(b), Defendant hereby requests that a jury trial of this matter take place in Omaha, Nebraska.

WHEREFORE, this Court has original jurisdiction of this action by reason of federal question pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Defendant Goodwill Industries, Inc. respectfully gives notice that the action now pending in the District Court of Douglas County, Nebraska, captioned *Elinore Davis v. Goodwill Industries, Inc.*, Case No. CI 23-8203, is removed to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. § 1441.

Dated this 14th day of November, 2023.

GOODWILL INDUSTRIES, INC., Defendant

By s/ Marcia A. Washkuhn

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served a copy of the same upon the following attorneys representing parties to this action via first class, United States Mail, postage prepaid:

Kathleen M. Neary, Esq.
Powers Law
411 South 13th Street, Suite 300
Lincoln, NE 68508

s/ Marcia A. Washkuhn
Marcia A. Washkuhn